

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
CASE NUMBER 08CV1722

GD DEAL HOLDINGS, LLC, , PLAINTIFF

V.

SURINDER MULTANI; ABBE PROPERTIES, LLC;
SAPPHIRE SUPPLY, LLC; JGG INVESTMENTS, LLC;
ABBE CAPITAL AND LEASING, LLC;
ABBE MANAGEMENT GROUP, LLC;
FIFTH THIRD BANK; CITIBANK;
VENDOR CAPITAL GROUP; BABAJIPS,LLC;
CAPITAL ACCESS & INVESTMENTS, LLC;
PETROZONE PETROLEUM II, INC.;
G & S PORTAGE, INC.; SAFANPREET MULTANI; AND
SURINDER MULTANI, IN HIS CAPACITY AS TRUSTEE
FOR GURPRIYA KAUR MULTANI IRREVOCABLE TRUST,
GURPAP SINGH MULTANI IRREVOCABLE TRUST, AND
JAPVI SINGH MULTANI IRREVOCABLE TRUST, DEFENDANTS.

**AMENDED MOTION FOR LEAVE TO FILE AMENDED RESPONSE TO
MOTION FOR ORDER OF SALE INSTANTER**

Defendants, Surinder Multani and Safanpreet Multani, by their attorney, James O. Stola, respectfully move this Court for Motion for leave to file their Response to Motion for Order of Sale Instanter in the above captioned cause a copy of which are attached.

Respectfully submitted,

/s/ James O. Stola

JAMES O. STOLA

**ATTORNEY NO. 2742160
LAW OFFICE OF JAMES O. STOLA
3701 WEST FULLERTON AVENUE
CHICAGO, IL 60647
(773)342-1170
FAX: (773)342-1185
E-MAIL: JSTOLA@SBCGLOBAL.NET**

CERTIFICATE OF SERVICE

On the 31st day of July, 2008, true and correct copies of the foregoing Amended Motion for Amended Response to Motion for Order of Sale Instantner was delivered via electronic transmission through CM/ECF to:

Scott A. Bachert
William F. Codell
Harned, Bachert & Denton, LLP
324 East Tenth Avenue
Post Office Box 1270
Bowling Green, Kentucky 42102-1270

Robert Thomas Kuehl
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180 North LaSalle Street
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71 South Wacker Drive
Chicago, IL 60606

Thomas F. Falkenberg
Williams Montgomery & John Ltd.
20 North Wacker Drive
Suite 2100
Chicago, Illinois
60606-3094

s/James O. Stola

James O. Stola

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FOR GURPRIYA KAUR MULTANI IRREVOCABLE TRUST,
GURPAP SINGH MULTANI IRREVOCABLE TRUST, AND
JAPVI SINGH MULTANI IRREVOCABLE TRUST, DEFENDANTS.

AMENDED RESPONSE TO MOTION FOR ORDER OF SALE

Defendants, Surinder Multani, and Safanpreet Multani, by their attorney, James O. Stola, by way of Response to Motion for Order of Sale in the above captioned cause state as follows:

1. Defendant Surinder Multani and his wife Defendant Safanpreet Multani are the owners of the property commonly known as 24 Bright Ridge Drive, Schaumburg, Illinois.
2. Defendant Surinder Multani and his wife Defendant Safanpreet Multani live at 24 Bright Ridge Drive, Schaumburg, Illinois as their main and only domicile which is claimed as Homestead by both Defendant Surinder Multani and Defendant Safanpreet Multani.
3. Title to the property commonly known as 24 Bright Ridge Drive, Schaumburg, Illinois is held in the names of Defendant Surinder Multani and his wife Defendant Safanpreet Multani as tenancy by the entirety. (A copy of the deed is attached hereto as Exhibit "A" and made part of this Response.)
4. The underlying judgment in the above matter is only against Surinder Multani and not

his wife Safranpreet Multani.

5. 735 ILCS 5/12-112 Illinois law provides as follows:

Sec. 12-112. What liable to enforcement. All the lands, tenements, real estate, goods and chattels (except such as is by law declared to be exempt) of every person against whom any judgment has been or shall be hereafter entered in any court, for any debt, damages, costs, or other sum of money, shall be liable to be sold upon such judgment. Any real property, or any beneficial interest in a land trust, held in tenancy by the entirety shall not be liable to be sold upon judgment entered on or after October 1, 1990 against only one of the tenants, except if the property was transferred into tenancy by the entirety with the sole intent to avoid the payment of debts existing at the time of the transfer beyond the transferor's ability to pay those debts as they become due. However, any income from such property shall be subject to garnishment as provided in Part 7 of this Article XII, whether judgment has been entered against one or both of the tenants. If the court authorizes the piercing of the ownership veil pursuant to Section 505 of the Illinois Marriage and Dissolution of Marriage Act or Section 15 of the Illinois Parentage Act of 1984, any assets determined to be those of the non-custodial parent, although not held in name of the non-custodial parent, shall be subject to attachment or other provisional remedy in accordance with the procedure prescribed by this Code. The court may not authorize attachment of property or any other provisional remedy under this paragraph unless it has obtained jurisdiction over the entity holding title to the property by proper service on that entity. With respect to assets which are real property, no order entered as described in this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to this Code or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

6. As property held in tenancy by the entirety, the property commonly known as 24 Bright Ridge Drive, Schaumburg, Illinois, is not subject to the judgment in favor of Plaintiff in that said judgment only lies against Defendant Surinder Multani and not his wife Defendant Safranpreet Multani.

Wherefore, Defendant Surinder Multani and his wife Defendant Safranpreet Multani pray that this court deny Plaintiff's Motion for Order of Sale.

Respectfully submitted,

/s/ James O. Stola

JAMES O. STOLA

CERTIFICATE OF SERVICE

On the 31st day of July, 2008, true and correct copies of the foregoing Amended Response to Motion for Order of Sale was delivered via electronic transmission through CM/ECF to:

Scott A. Bachert
William F. Codell
Harned, Bachert & Denton, LLP
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Post Office Box 1270
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Williams Montgomery & John Ltd.
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s/James O. Stola

James O. Stola

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LAW OFFICE OF JAMES O. STOLA
3701 WEST FULLERTON AVENUE
CHICAGO, IL 60647
(773)342-1170
FAX: (773)342-1185
E-MAIL: JSTOLA@SBCGLOBAL.NET

Warranty Deed
Secretary (ILLINOIS)

Doc#: 0405642030
Eugene "Gene" Moore Fee: \$28.00
Cook County Recorder of Deeds
Date 02/25/2004 07:38 AM Pg. 1 of 3

THE GRANTOR (S)
MAJESTIC HOMES, INC.

corporation created and existing under and by virtue of the laws of the State of ILLINOIS and duly authorized to transact business in the State of ILLINOIS for and in consideration of the sum of (\$10.00) TEN DOLLARS, in hand paid, and pursuant to authority given by the Board of BOARD OF DIRECTORS of said corporation, CONVEYS and WARRANTS to

SHINDER S. MUL TANI AND SAFANPREET K. MUL TANI, husband and wife, not as Joint Tenants, nor as Tenants in Common, but as **TENANTS BY THE ENTIRETY**, 2140 S. Goodberg Road, Arlington, Heights, IL 60005

the following described Real Estate situated in the County of COOK in the State of Illinois, to wit:

SEE ATTACHED

Permanent Index Number (PIN): 07-23-102-021

Address(es) of Real Estate: 124 BRIGHT RIDGE DRIVE, SCHLAUMBURG, IL 60194

SUBJECT TO: General Taxes for 2003 and subsequent years, covenants, restrictions, and conditions of record.

In Witness Whereof, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its President, and attested by its Secretary, this 25 day of February, 2004.

MAJESTIC HOMES, INC.

By [Signature] President

Attest: [Signature] Secretary

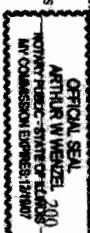
VILLAGE OF SCHLAUMBURG
REAL ESTATE TRANSFER TAX
1-3834
0923

STATE OF ILLINOIS
STATE TAX
REAL ESTATE TRANSFER TAX
DEPARTMENT OF REVENUE
0000065262
01367.00
FP 102808

COOK COUNTY
COUNTY TAX
REAL ESTATE TRANSFER TAX
REVENUE STAMP
0000000000
00683.50
FP 102802

State of Illinois, County of COOK ss, I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Matt Schweibenz personally known to me to be President of the corporation, and Irene Schweibenz personally known to me to be the Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and severally acknowledged that as such President and Secretary, they signed, sealed and delivered the said instrument and caused the corporate seal of the corporation to be affixed thereto pursuant to authority given by the Board of Directors said corporation, as their free and voluntary act, and as the free and voluntary act and deed of corporation, for the uses and purposes therein set forth.

Given under my hand and official seal this 22 day of February, 2004.
Commission expires 2009



NOTARY PUBLIC

This instrument was prepared by: Arthur W. Wenzel, 1111 Plaza Drive, Suite 405, Schaumburg, Illinois 60173

MAIL TO: ABACUS FINANCE INC. SEND SUBSEQUENT TAX BILLS TO:
SHINDER S. MUL TANI
124 BRIGHT RIDGE DRIVE
SCHLAUMBURG, IL 60194

Suite 120
ARLINGTON HEIGHTS, IL 60005